

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PATRICK ARNOLD WHITE, SR,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 4:15-CV-397
	§	
WILLIAM STEPHENS, <i>et al</i> ,	§	
	§	
Defendants.	§	

MEMORANDUM ON DISMISSAL

Plaintiff Patrick Arnold White, Sr., a state inmate confined in the Texas Department of Criminal Justice - Correctional Institutions Division's (TDCJ-CID) Estelle Unit, has filed a *pro se* civil rights complaint alleging retaliation and denial of access to the courts. (Docket No. 1.) The complaint names as defendants the Texas Department of Criminal Justice and Wayne Brewer, Assistant Warden of the Estelle Unit. (Id. at 3-4.) The complaint does not clearly state the relief sought. Plaintiff has also filed a motion to proceed *in forma pauperis*. (Docket No. 2.)

Under 28 U.S.C. § 1915(g), a prisoner cannot file a civil action *in forma pauperis* in federal court if, on three or more prior occasions, while incarcerated, he brought an action that was dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted. The only exception to this revocation of an inmate's privilege to proceed *in forma pauperis* is if he is in immediate danger of serious physical harm. Banos v. O'Guin, 144 F.3d 883, 884 (5th Cir. 1998).

Plaintiff's present suit is clearly subject to the three-strikes bar under Section 1915(g) because his complaint does not indicate that he is in any immediate danger and his litigation history reveals that he has previously filed numerous cases in the federal courts that were dismissed as frivolous. *See ex., White v. Garcia*, 2:10cv137 (N.D. Tex.) (dismissed as frivolous

Aug. 12, 2010); *White v. Tex. Dep 't of Criminal Justice*, 4:10cv1625 (S.D. Tex.) (dismissed as frivolous May 11, 2010); and *White v. State*, 5:10cv83 (W.D. Tex.) (dismissed as frivolous on Mar. 31, 2010). Moreover, although Plaintiff vaguely accuses Defendants of “retaliation, abuse [and] death threats,” he presents no factual allegations to support these claims. (Docket No. 1 at 3.) Instead, it appears that Plaintiff’s claims are primarily concerned with alleged denial of access to the courts; however, given Plaintiff’s prolific litigation history, these claims appear unfounded at best.

Accordingly, it is ORDERED that Plaintiff’s Motion to Proceed *In Forma Pauperis* (Docket No. 2) is DENIED and Plaintiff’s complaint is DISMISSED under 28 U.S.C. § 1915(g). All other pending motion, if any, are further DENIED.

The Clerk will provide a copy of this Order to the parties.

SIGNED at Houston, Texas, this 13th day of February, 2015.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE